

6-14-2007

State v. Hartshorn Clerk's Record v. 2 Dckt. 33914

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Vol. 2 of 10

Case No. CR-2006-14327

IN THE

FILED - COPY SUPREME COURT

JUN 14 2007

OF THE
STATE OF IDAHO

COPY

Supreme Court _____ Court of Appeals _____
Entered on ATS by _____

STATE OF IDAHO

LAW CLERK

Plaintiff _____ and

Respondent _____

VS.

CURTIS GLENN HARTSHORN

Defendant _____ and

Appellant _____

Appealed from the District Court of the Seventh Judicial

District of the State of Idaho, in and for Bonneville County

Hon. Richard T. St. Clair, District Judge

State Appellate Public Defender's Office

3647 Lake Harbor Lane, Boise, ID 83703

Attorney for Appellant

Attorney General's Office

Statehouse Mail, Room 210, Boise, ID 83720

Attorney for Respondent

Filed this _____ day of _____, 20____.

SEE AUGMENTATION RECORD

Clerk

By _____

Deputy

33914, 33915, 33916, 33917

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff/Respondent,

vs.

CURTIS GLENN HARTSHORN,

Defendant/Appellant.

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the
Seventh Judicial District of the State of Idaho,
in and for the County of Bonneville

HONORABLE RICHARD T. ST. CLAIR, District Judge.

State Appellate Public Defender
3647 Lake Harbor Lane
Boise, ID 83703

Attorney for Appellant

Attorney General's Office
Statehouse Mail, Room 210
700 West Jefferson
Boise, ID 83720

Attorney for Respondent

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Date: 2/15/2007

Seventh Judicial District Court - Bonneville County

User: HAGERTY

Time: 11:34 AM

ROA Report

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Defendant: Hartshorn, Curtis Glenn

State of Idaho vs. Curtis Glenn Hartshorn

Date	Code	User	Judge
8/10/2006	NCRF	KER	New Case Filed-Felony
	PROS	KER	Prosecutor Assigned Randolph B. Neal
	CRCO	KER	Criminal Complaint
	AFPC	KER	Affidavit Of Probable Cause
	WARI	KER	Warrant Issued - Arrest Bond amount: 50000.00 Defendant: Hartshorn, Curtis Glenn
8/11/2006	STATUS	KER	Case Status Changed: Inactive
10/26/2006	WART	HEATON	Warrant Returned Defendant: Hartshorn, Curtis Glenn
	STATUS	HEATON	Case Status Changed: Activate (previously inactive)
10/27/2006	JUDGE	HEATON	Judge Change
	HRSC	HEATON	Hearing Scheduled (Arraignment 10/27/2006 01:00 PM)
	HRSC	HEATON	Hearing Scheduled (Preliminary Hearing 11/08/2006 01:30 PM)
	ASDJ	HEATON	Assigned District Judge: Richard St. Clair
	ARRN	HEATON	Hearing result for Arraignment held on 10/27/2006 01:00 PM: Arraignment / First Appearance
	BDST	HEATON	Bond Set: \$50,000.00
		HEATON	Waived Counsel
11/8/2006	CONT	MCGARY	Hearing result for Preliminary Hearing held on 11/08/2006 01:30 PM: Continued
	JUDGE	MCGARY	Judge Change
	WAVE	MCGARY	Waiver of time - on the record
	HRSC	MCGARY	Hearing Scheduled (Preliminary Hearing 11/15/2006 01:30 PM)
		MCGARY	Notice Resetting Hearing
11/9/2006	AFPD	KER	Application For Public Defender
		KER	Order Appointing Public Defender
11/15/2006	CONT	MCGARY	Hearing result for Preliminary Hearing held on 11/15/2006 01:30 PM: Continued
11/16/2006	HRSC	MCGARY	Hearing Scheduled (Preliminary Hearing 11/22/2006 01:30 PM)
11/17/2006	WAVE	PADILLA	Waiver of Time for Preliminary Hearing
11/20/2006	NOAP	BOULWARE	Defendant: Hartshorn, Curtis Glenn Notice Of Appearance Jeromy W. Stafford
	RQDS	BOULWARE	Request For Discovery
11/21/2006	RQDS	HEATON	Request For Discovery And Demand For Notice Of Intent To Rely Upon Defense Of Alibi
	RSRQ	HEATON	State's Response To Request For Discovery

Date: 2/15/2007

Seventh Judicial District Court - Bonneville County

User: HAGERTY

Time: 11:34 AM

ROA Report

Page 2 of 3

Case: CR-2006-0014327 Current Judge: Richard T. St. Clair

Defendant: Hartshorn, Curtis Glenn

State of Idaho vs. Curtis Glenn Hartshorn

Date	Code	User	Judge
11/22/2006	HRWW	MCGARY	Hearing result for Preliminary Hearing held on 11/22/2006 01:30 PM: Hearing Waived
	WAVE	MCGARY	Waiver of Preliminary Hearing
	BOUN	MCGARY	Bound Over (after Prelim)
	JUDGE	MCGARY	Judge Change
11/27/2006	HRSC	MCGARY	Hearing Scheduled (Arraignment 12/04/2006 08:30 AM)
	PLEA	BERG	Plea Agreement
11/28/2006	INFO	WHEATLEY	Information
12/4/2006	ARRN	SOUTHWIC	Hearing result for Arraignment held on 12/04/2006 08:30 AM: Arraignment / First Appearance
	AURA	SOUTHWIC	Acknowledgement Of Understanding Rights
	PLEA	SOUTHWIC	Plea Agreement
	GLTY	SOUTHWIC	Guilty Plea Or Admission Of Guilt
	MINE	SOUTHWIC	Minute Entry
12/6/2006	HRSC	SOUTHWIC	Hearing Scheduled (Sentencing 01/22/2007 10:30 AM)
		SOUTHWIC	Notice of Hearing
12/7/2006	MISC	SOUTHWIC	ltr from Def requesting withdrawal of glty pleas
	HRSC	SOUTHWIC	Hearing Scheduled (Criminal Motion 12/18/2006 11:30 AM) Def's motion to withdraw glty plea
		SOUTHWIC	Notice of Hearing
12/18/2006	HRHD	SOUTHWIC	Hearing result for Criminal Motion held on 12/18/2006 11:30 AM: Hearing Held Def's motion to withdraw glty plea/////mo withdrawn - go directly to sentencing at request of defendant
	HRHD	SOUTHWIC	Hearing result for Sentencing held on 01/22/2007 10:30 AM: Hearing Held
	MINE	SOUTHWIC	Minute Entry
	JDMT	SOUTHWIC	Judgment of conviction
	GUILTY	SOUTHWIC	Found Guilty (I18-2505 Escape-by One Chrgd,convicted,probation For Felony)
	STATUS	SOUTHWIC	Case Status Changed: closed pending clerk action
	SNIC	SOUTHWIC	Sentenced To Incarceration (I18-2505 Escape-by One Chrgd,convicted,probation For Felony) Confinement terms: Penitentiary determinate: 1 year.
1/2/2007	MOTN	SOUTHWIC	motion For Hearing
	MOTN	SOUTHWIC	Motion for Correction or Reduction of Sentence, ICR 35
	ORDR	SOUTHWIC	Order granting motion for hearing and notice of hearing

Date: 2/15/2007

Seventh Judicial District Court - Bonneville County

User: HAGERTY

Time: 11:34 AM

ROA Report

Page 3 of 3

Case: CR-2006-0014327 Current Judge: Richard T. St. Clair

Defendant: Hartshorn, Curtis Glenn

State of Idaho vs. Curtis Glenn Hartshorn

Date	Code	User	Judge
1/2/2007	HRSC	SOUTHWIC	Hearing Scheduled (Criminal Motion 01/22/2007 02:45 PM) Rule 35 Richard T. St. Clair
1/22/2007	HRHD	SOUTHWIC	Hearing result for Criminal Motion held on 01/22/2007 02:45 PM: Hearing Held Rule 35 Richard T. St. Clair
	DENY	SOUTHWIC	Motion Denied Richard T. St. Clair
	MINE	SOUTHWIC	Minute Entry Richard T. St. Clair
1/25/2007	NOTC	HAGERTY	Notice of Appeal Richard T. St. Clair
	APDC	HAGERTY	Appeal Filed In District Court Richard T. St. Clair
	APSC	HAGERTY	Appealed To The Supreme Court Richard T. St. Clair
	MOTN	HAGERTY	Motion to Appoint State Appellate Division Richard T. St. Clair
2/6/2007	CERTAP	HAGERTY	Clerk's Certificate of Appeal Richard T. St. Clair
2/8/2007	ORDR	SOUTHWIC	Order Appointing State appellate Public Defender and Withdrawing County Public Defender for Appeal Richard T. St. Clair

DANE H. WATKINS, JR.
BONNEVILLE COUNTY PROSECUTING ATTORNEY

BONNEVILLE COUNTY
IDAHO

2006 AUG 10 PM 4:40

Randolph B. Neal
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
(208) 529-1350 ext 1348

Attorney for the Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, BONNEVILLE COUNTY
MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff,

vs.

CURTIS GLENN HARTSHORN,
1146 Idaho Avenue
Idaho Falls, Idaho 83402

DOB: 11/30/1960

SS#: 519-90-7569

Defendant.

Case No. CR-06 - 14327

CRIMINAL COMPLAINT

Personally appeared before me in the County of Bonneville, Randolph B. Neal, Bonneville County Deputy Prosecuting Attorney, who, pursuant to Idaho Criminal Rule 3, presents the sworn affidavit of Officer Greg Rix, Bonneville County Sheriff's Office, complains and alleges the Defendant CURTIS GLENN HARTSHORN, committed the following crime(s):

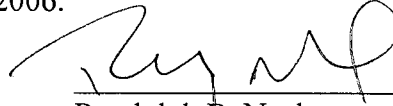
ESCAPE
Felony, I.C. § 18-2505

The Defendant, CURTIS GLENN HARTSHORN, on or about August 9, 2006, in the County of Bonneville, State of Idaho, did, while confined in the Bonneville County Work Release Center, a facility operated by the Idaho Department of Corrections, escape from the Bonneville County Work Release Center. Mr. Hartshorn was convicted of a felony, to wit: Controlled substance possession with intent to deliver, Bonneville County case number CR-06-5769. (5 years, \$50,000 fine and restitution.)

CRIMINAL COMPLAINT - 1
J:\General\Hartshorn\escape.doc

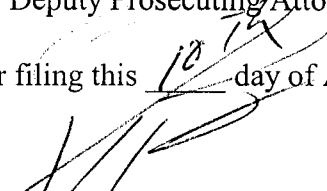
The State of Idaho requests that an Arrest Warrant be issued for CURTIS GLENN HARTSHORN and that he be dealt with according to law.

Dated this 10th day of August 2006.



Randolph B. Neal
Deputy Prosecuting Attorney

SUBMITTED AND ACCEPTED for filing this 10th day of August 2006.



Magistrate

7TH JUDICIAL DISTRICT, STATE OF IDAHO
COUNTY OF BONNEVILLE
FELONY ARRAIGNMENT MINUTE ENTRY/LOG/ORDER

2006 OCT 27 PM 1:56

STATE V. CURTIS HARTSHORN CASE NO: CR 2006-14327
DOB 11/13/1960 D.L./SSN [REDACTED]
ADDRESS: 1146 IDAHO AVE. IDAHO FALLS ID 83402 PHONE [REDACTED]
TAPE No. 13:50:45 BEGIN [REDACTED] Date 10/27/06 Time 1:00 PM Judge SAVAGE
() Interpreter [REDACTED]

DEFENDANT having been charged with the following:

COUNT 1	<u>ESCAPE</u>	<u>AMENDED</u>
COUNT 2		<u>AMENDED</u>
COUNT 3		<u>AMENDED</u>
COUNT 4		<u>AMENDED</u>

☒ DEFENDANT appeared () Failed to Appear () Bench Warrant/Bond Forfeit Ordered
(☒) Advised of all rights and penalties per ICR 5, including right to remain silent, that statements may be used against him/her, right to bail, counsel, Public Defender as provided by law, Preliminary Hearing.
() Represented by Counsel (present) _____
(☒) Advised of Charges (☒) Waived counsel () Requested PD () Priv. Attorney
(☒) Waived reading complaint () Read by Court () Requested continuance
(☒) Bond \$ 50,000.- () Ordered Released on O.R. _____
() Remanded to Custody of Sheriff
() Other _____ CLERK _____ End Tape No. _____

☒ ORDERED: PRELIMINARY HEARING (ICR 5.1) The Prosecutor and Defendant with attorney, if any, are ordered to appear for PRELIMINARY HEARING at 1:30 P.m. on 11/08/06, before Judge LUKE at the Law Enforcement Building, 605 N. Capital Avenue, Idaho Falls, ID, to determine whether there is probable cause that a crime was committed and whether there is probable cause that Defendant committed the allege crime(s) as charged in the complaint. Motions to continue must be submitted in writing at least 24 hours prior to the hearing.

RECEIVED BY DEFENDANT _____

() Personally served copy on Prosecutor/Defendant/Counsel () Mailed bio
By Clerk [Signature]

IT IS SO ORDERED.

JUDGE [Signature]
DISTRICT JUDGE: RICHARD ST. CLAIR

DATE 10/27/06

OCT 27 2006

MAGISTRATE CRIMINAL LOG MINUTES

DATE: Wednesday, November 08, 2006 TIME: 01:30 PM CASE NO.: CR-2006-0014327
 County of Bonneville, Idaho Falls, Idaho Digital Recording.: 11/8/2006pm Luke
 Magistrate Courtroom No. 3 Judge Colin W. Luke presiding
 Jury _____ Non-Jury _____ Hearing/Trial: PRELIMINARY HEARING

PLAINTIFF		DEFENDANT	
STATE OF IDAHO		CURTIS GLENN HARTSHORN	
Attorney: Randolph B. Neal		Attorney:	
J - Judge W - Witness DX - Direct Examination X - Cross Examination		P - Plaintiff D - Defendant PA - Plaintiff's Attorney DA - Defendant's Attorney	
Index	Case Proceedings		
	Judge opened and called case:		
	Def. present - doesn't want PD, wants hearing		
	held w/out counsel I advises		
	State wants hrg. continued & to be consolidated		
	(f) prelim purpose w new charges filed today		
	D waives fine & Ct. resets to		
	11/15/06 @ 1:30pm		

Deputy Clerk

MM

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY

STATE OF IDAHO,

Plaintiff,

vs.

Curtis Glenn Hartshorn
1360 Juniper
Idaho Falls, ID 83402

Defendant.

DOB: 11/13/1960
DL or SSN: 9969916 NC
519-90-7569

Case No: CR-2006-0014327

ORDER APPOINTING PUBLIC DEFENDER

Citation No:

The Court being fully advised as to the application of Curtis Glenn Hartshorn, and it appearing to be a proper case,

NOW, THEREFORE, IT IS ORDERED that an attorney be appointed through the:

Bonneville County Public Defender's Office
605 N. Capital
Idaho Falls, Id 83402
529-1350, ext. 1105

Public Defender for the County of Bonneville, State of Idaho, a duly licensed attorney in the State of Idaho, is hereby appointed to represent said Defendant, Curtis Glenn Hartshorn, in all proceedings in the above entitled case.

The Defendant is further advised that he/she may be required to reimburse the Court for all or part of the cost of court appointed counsel.

/s/ Earl Blower

Date: November 9th, 2006

Judge

Copies to: ☐ Public Defender
☐ Prosecuting Attorney

Date: November 9th, 2006

Deputy Clerk

MAGISTRATE CRIMINAL LOG MINUTES

DATE: Wednesday, November 15, 2006 TIME: 01:30 PM CASE NO.: CR-2006-0014327
 County of Bonneville, Idaho Falls, Idaho Digital Recording.: 11/15/2006 pm CLK
 Magistrate Courtroom No. 3 Judge Colin W. Luke CLK presiding
 Jury _____ Non-Jury _____ Hearing/Trial: PRELIMINARY HEARING

PLAINTIFF		DEFENDANT	
STATE OF IDAHO		CURTIS GLENN HARTSHORN	
Attorney: Randolph B. Neal		Attorney: <i>Jeromy Stapp</i> Bonneville County P.D. Office	
J – Judge W – Witness DX - Direct Examination X - Cross Examination		P - Plaintiff D - Defendant PA - Plaintiff's Attorney DA - Defendant's Attorney	
Index	Case Proceedings		
	Judge opened and called case:		
	<i>Stop to continue</i>		
	<i>written waiver of time to be submitted by DA</i>		
	<i>CF - resets to 11/22/06 @ 1:30pm</i>		

Deputy Clerk *AM*

JEROMY W. STAFFORD
Idaho State Bar No. 6249
Office of the Public Defender
Bonneville County
605 N. Capital Avenue
Idaho Falls, Idaho 83402
(208) 529-1350 ext. 1105

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
CURTIS GLENN HARTSHORN,)
)
Defendant.)
_____)


Case No. CR-06-14327 X

**WAIVER OF TIME FOR
PRELIMINARY HEARING**

The Defendant, CURTIS GLENN HARTSHORN, by and through his attorney of record,
JEROMY W. STAFFORD, Deputy Public Defender and hereby waives the right to a preliminary
hearing within the time prescribed by I.C.R. Rule 5.1.

Dated this 16 day of November, 2006.


CURTIS GLENN HARTSHORN
Defendant


JEROMY W. STAFFORD
Attorney for Defendant

WAIVER OF TIME FOR PRELIMINARY HEARING - 1

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16 day of November, 2006, I served a true and correct copy of the document described below on the party listed below, by mailing with the correct postage thereon, or by causing the same to be hand-delivered.

DOCUMENT:


WAIVER OF TIME FOR
PRELIMINARY HEARING

PARTIES SERVED:

RANDOLPH NEAL
Prosecuting Attorney
Bonneville County
Courthouse Box
Idaho Falls, ID 83402

☒ Hand Delivery

☐ Mailing



Legal Assistant to
JEROMY W. STAFFORD

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
 STATE OF IDAHO, COUNTY OF BONNEVILLE
 MAGISTRATE DIVISION

STATE OF IDAHO

Plaintiff,

vs.

CURTIS GLENN HARTSHORN,

Defendant.

Case No.

DISTRICT COURT
 MAGISTRATE DIVISION
 BONNEVILLE COUNTY
 CR-06-13270

WAIVER OF PRELIMINARY
 HEARING

I, CURTIS GLENN HARTSHORN, having been charged in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Bonneville, in violation of Idaho Code Section § 18-2505, offense of ESCAPE have been informed by the Magistrate of the Complaint against me and of my right to retain counsel, of my right to request assignment of counsel if I am unable to obtain counsel, of the general circumstances under which I may secure a pre-trial release, and of my right for, the nature of, and the effect of a waiver of a preliminary examination. I have further been informed that I am not required to make a statement and that any statement made by me may be used against me.

I also have been provided reasonable time and opportunity to consult counsel and to arrange for my release by making bail.

Without waiving any other rights I may have, I hereby waive my right to a preliminary hearing in each of the above cases and agree that I may be held to answer in the above entitled District Court.

DATED this 22 day of November, 2006.

Curtis Hartshorn
 Defendant

I consent to and approve the waiver of the preliminary hearing.

DATED this 22 day of November, 2006.

[Signature]
 Attorney for Defendant

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,

Plaintiff,

-vs-

CURTIS GLENN HARTSHORN,

Defendant.

06 NOV 22 PM 2:16
Case No. CR-2006-4327
DISTRICT COURT
MAGISTRATE DIVISION
BONNEVILLE COUNTY
IDAHO
ORDER BINDING DEFENDANT
OVER AND ORDER SETTING
TIME FOR ARRAIGNMENT

The above named defendant has been:

XXX Charged with the crime of ESCAPE, a felony.

 Brought before the Court on a Bench Warrant on a Probation Violation and/or Agent's Warrant of Arrest.

 Other:

There is sufficient probable cause to believe that the crime has been committed and sufficient probable cause to believe that the above named defendant committed said crime.

NOW THEREFORE IT IS HEREBY ORDERED that the above named defendant be bound over to the District Court on the above stated charge to be brought before the Honorable RICHARD ST. CLAIR, District Judge on DEC. 4, 2006 at 8:30 A.M. for arraignment.

The defendant ~~has~~ has not posted bond which has been set in the amount of \$ 50,000.00.

Dated: 22 NOVEMBER 15, 2006

Colin P. Luke
Magistrate Judge

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Order was mailed, postage prepaid, or delivered to the following:

HAND DELIVERED:
Prosecuting Attorney
County Courthouse
Idaho Falls, ID

cf Boxes

HAND DELIVERED/MAILED TO:

Jenny Stafford

Dated: 21 NOVEMBER 15, 2006

AM
Deputy Clerk

ORDER BINDING DEFENDANT OVER AND
ORDER SETTING TIME FOR ARRAIGNMENT

BONNEVILLE COUNTY
IDAHO

DANE H. WATKINS, JR.

BONNEVILLE COUNTY PROSECUTING ATTORNEY 2006 NOV 27 PM 4: 01

Randolph B. Neal
Deputy Prosecuting Attorney
Idaho State Bar No. 6565
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1350 ext 1348

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)	
	)	Case No. CR-06-14327
Plaintiff,	)	Case No. CR-06-17236
	)	Case No. CR-06-19594
vs.)	
)	
CURTIS GLENN HARTSHORN,	)	PLEA AGREEMENT
	)	I.C.R. 11(d)(1)(A)
Defendant.)	
)	

The State of Idaho, by and through the Bonneville County Prosecutor's Office, and Defendant, CURTIS GLENN HARTSHORN, with his attorney of record, Jeromy Stafford, hereby stipulate and agree as follows:

STIPULATION AND AGREEMENT

1. In case number **CR-06-14327**, the Defendant shall plead guilty to Escape, Felony, I. C. § 18-2505, as currently charged.
2. In case number **CR-06-17236**, the Defendant will plead guilty to Count I: Issuing Check Without Funds, Felony, I. C. § 18-3106, and the State will then dismiss the remaining counts.
3. In case number **CR-06-19594**, the Defendant will plead guilty to Count I: Grand Theft, Felony, I.C. §§ 18-2403, 18-2407(1)(b)3, and the State will then dismiss the remaining count.
4. A written plea agreement shall be signed prior to charges being dismissed.

5. Defendant specifically agrees to have all charges automatically reinstated if conditions of the plea agreement are violated.

6. The Defendant agrees to pay full restitution on all charged and uncharged crimes.

7. The State will recommend that the sentences run concurrent with any disposition from probation violations, with the exception of the Escape charge which by statute must be served consecutive. The State will recommend 6 months fixed time for Escape. As to any other sentencing recommendations, both parties are otherwise free to argue for any sentence deemed appropriate.

8. As to any other conditions not expressly agreed upon in this written plea agreement, the parties are free to argue as they see fit.

THIS AGREEMENT IS NOT BINDING ON THE COURT

This agreement is made pursuant to I.C.R. 11(d)(1)(B) and is not intended to be binding unless accepted by the Court. If the Court rejects this plea agreement, the defendant acknowledges that there would nevertheless be no right to withdraw the guilty plea.

DEFENDANT'S ACKNOWLEDGMENT AND CONSENT

CURTIS GLENN HARTSHORN, the Defendant in the above entitled case, by executing this plea agreement, acknowledges the following:

1. *Understanding of the Potential Punishment.*

a. I understand that the crime of Escape is a Felony, and is punishable as follows:

- i. Imprisonment in the State Penitentiary for a term up to five years;
- ii. A fine of not more than fifty thousand dollars (\$50,000);
- iii. Restitution; or
- iv. Any combination of fine, imprisonment, and restitution as listed above.
- v. By statute, this punishment must be served consecutive to any other.

b. I understand that the crime of Issuing Check Without Funds is a Felony, and is punishable as follows:

- i. Imprisonment in the county jail for a term up to three years;
- ii. A fine of not more than fifty thousand dollars (\$50,000);
- iii. Restitution; or
- iv. Any combination of fine, imprisonment, and restitution as listed above.

c. I understand that the crime of Grand Theft is a Felony, and is punishable as follows:

- i. Imprisonment in the county jail for a term up to fourteen years;
- ii. A fine of not more than five thousand dollars (\$5,000);
- iii. Restitution; or
- iv. Any combination of fine, imprisonment, and restitution as listed above.

2. ***Parties Affected by the Agreement.*** I understand that this plea agreement is only between the State of Idaho and me and therefore this plea agreement does not affect the rights of anyone else.

3. ***Intelligent, Knowing, And Voluntary Entry Into This Agreement.*** I believe that:

- a. I am signing this agreement with full knowledge of the facts, my legal rights, and the consequences of entering the plea as described above.
- b. No unlawful threats have been made to secure my plea of guilty, nor have any promises been made to get me to plead guilty, other than those promises made by the State of Idaho as set forth in this agreement.
- c. I sign this agreement willingly, without force or duress, and of my own free will and choice.

4. ***No Other Promises or Agreements.*** I understand and acknowledge that no other agreements or conditions have been made or represented to me, except those terms of the plea

agreement which are set forth within in this written agreement.

5. ***Waiver of Constitutional Rights.*** I understand that I am waiving the following rights as guaranteed by the United States Constitution and the Constitution of the State of Idaho:

- a. My right to a jury trial;
- b. My right against self-incrimination, including my right not to testify against myself;
- c. My right to require the State of Idaho to call witnesses against me and my right to call witnesses in my defense; and
- d. My right to require the State of Idaho to prove his guilt beyond a reasonable doubt.

6. ***Changes in Circumstances.*** I understand that the State has made this agreement contingent on the condition that the circumstances under which the agreement was made is in accordance with my representations and that such circumstances will remain unchanged prior to sentencing. These circumstances include but are not limited to my representations concerning my past criminal record, my compliance with bail release conditions (such as appearing at the sentencing hearing), and my compliance with the law prior to sentencing. I understand that changes in these circumstances could amount to a breach of this agreement, and in that case the State would be excused from fulfilling its promised recommendation.

7. ***Understanding of the Agreement.*** I acknowledge the following:

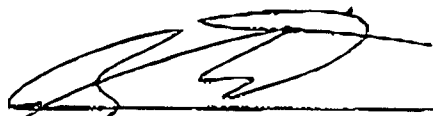
- a. I have read this written plea agreement and understand its terms and the consequences of his entering into this plea agreement,
- b. I agree to be bound by the terms of this plea agreement,
- c. Prior to agreeing to this plea agreement, I have had sufficient time to discuss the terms and the consequences of entering into this agreement, with my attorney, Jeromy Stafford, my family and anyone else with whom I wished to consult with, and

d I am satisfied with the services and advice of my attorney

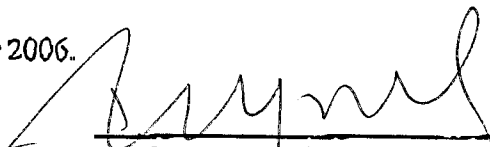
AGREED, ACKNOWLEDGED AND CONSENTED, dated this 22 day of November 2006.


CURTIS GLENN HARTSHORN
Defendant

AGREED AND CONSENTED, dated this 21 day of November 2006.


Jeremy Stafford
Attorney for Defendant

AGREED, dated this 20 day of November 2006.


Randolph B. Neal
Deputy Prosecuting Attorney

DANE H. WATKINS, JR.
BONNEVILLE COUNTY PROSECUTING ATTORNEY 3:58
2006 NOV 28

Randolph B. Neal
Deputy Prosecuting Attorney
605 N. Capital
Idaho Falls, Idaho 83402
(208) 529-1350 x 1348

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

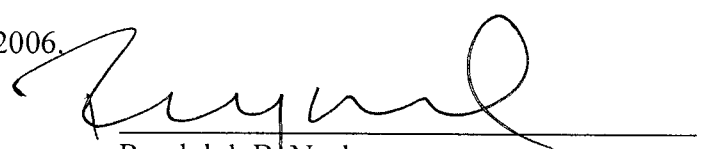
STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-06-14327
)	
vs.)	
)	
CURTIS GLENN HARTSHORN,	)	PROSECUTING ATTORNEY'S
	)	INFORMATION
Defendant.)	
_____)	

CURTIS GLENN HARTSHORN is hereby accused by the Prosecuting Attorney of the County of Bonneville, State of Idaho, of committing, prior to the filing of this Information, the following crime(s):

ESCAPE
Felony, I.C. § 18-2505

The Defendant, CURTIS GLENN HARTSHORN, on or about August 9, 2006, in the County of Bonneville, State of Idaho, did, while confined in the Bonneville County Work Release Center, a facility operated by the Idaho Department of Corrections, escape from the Bonneville County Work Release Center. Mr. Hartshorn was convicted of a felony, to wit: Controlled substance possession with intent to deliver, Bonneville County case number CR-06-5769. (5 years, \$50,000 fine and restitution.)

Dated this 28th day of November 2006.


Randolph B. Neal
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of November 2006, a true and correct copy of the foregoing Information was mailed/delivered to the following person(s):

Jeromy Stafford
Public Defender
Courthouse Box
Idaho Falls, Idaho


Kara Cromwell

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-06-14327
	)	CR-06-17236 & CR-06-19594
vs.	)	MINUTE ENTRY
)	
CURTIS GLENN HARTSHORN,)	
)	
Defendant.)	
)	

Date: December 4, 2006

Defendant appeared in person and with his/her attorney Jeromy Stafford

State represented by Prosecuting Attorney Larren Covert

Presiding Judge: Richard T. St. Clair.

Marlene Southwick, Deputy Court Clerk, was present. Counsel waived reporting by Court Reporter, hearing was digitally recorded.

Crime charged: CR-06-14327 - Escape; CR-06-17236 - 4 Counts Issuing Insufficient Funds Checks; CR-06-19594 - Count I - Grand Theft and Count II - Aggravated Assault as appears on Information on file.

The Court explained his/her Constitutional rights re: arraignment. Upon inquiry from the Court, the defendant stated he/she understood his/her rights as explained. The defendant and his/her counsel signed the Acknowledgement of Understanding of Rights on Arraignment.

The Defendant gave the following information:

1. Name: Curtis Glenn Hartshorn
Defendant indicated that his/her name as shown on the Information on file was true and correct.
2. The Court informed the Defendant and the Defendant acknowledged that he/she understood that he/she was charged with the criminal offense of (same as above). The Court informed the Defendant that he/she was charged with the aforementioned offense and if found guilty of CR-06-14327 - Escape - he/she could be sent to the Idaho State Penitentiary for a period of 5 years consecutive to underlying sentence

and/or a fine \$50,000.00, restitution to law enforcement for costs of investigation/enforcement; CR-06-17236 Four Counts NSF - he could be sent to the Idaho State Penitentiary for a period of years and/or a fine of \$; CR-06-19594 Count I - Grand Theft - he could be sent to the Idaho State Penitentiary for a period of 14 years and/or a fine of \$5,000.00; Count II - Aggravated Assault - he could be sent to the Idaho State Penitentiary for a period of 5 years and/or a fine of \$5,000.00; and a \$50.00 fine for the Crime Victim's Compensation fund per count. Multiple counts or cases can be served on a consecutive basis. The Defendant acknowledged that he/she understood.

3. DOB: 11/13/60
4. Address: 1360 Juniper, Idaho Falls, ID (BCJ)
5. Defendant had completed the following schooling:
6. The Defendant further acknowledged that he/she had a copy of the Information filed in this matter, understood the nature of the charge, waived additional time to consider the same and was ready to proceed in all respects to this case.

X The Defendant waived the reading of the Information.

The Court asked the Defendant if he/she was ready to enter a plea, whereupon the Defendant answered that he/she was ready.

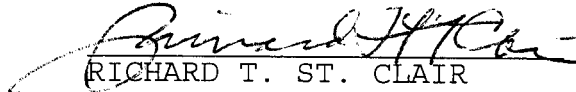
The Court informed the Defendant of the circumstances under which the Defendant might enter a plea of guilty and the circumstances under which the defendant should enter a plea of not guilty, and informed the Defendant that he/she might stand mute, or say nothing, in which event the Court would enter a plea of not guilty for the Defendant.

There is a plea agreement regarding these matters. The defendant then entered an "Alford" plea of guilty to Escape in CR-06-14327; Ct I - Issuing Insufficient Funds Check in CR-06-17236; and Ct I - Grand Theft in CR-06-19594. All remaining counts/charges are to be dismissed pursuant to the plea agreement.

The defendant explained the circumstances of the crime. After further discussion, the Court found the defendant understands the nature of the offense and the consequences of a guilty plea and found there is a factual basis for the plea. The Court further found the plea is freely, voluntarily, and knowingly made and accepted the guilty plea. The Court ordered a presentence investigation report and set the matter for sentencing on January 22, 2007, at 10:30 a.m.

Bail was continued as previously set.

A probation violation evidentiary/disposition hearing will be conducted at the same time and day as sentencing - 1/22/07 at 10:30 a.m.


RICHARD T. ST. CLAIR
DISTRICT JUDGE

c: Prosecutor
Jeromy Stafford
H:hartshorn.curtis.arcop

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

ORDER FOR PRE-SENTENCE INVESTIGATION

ATTENTION: DEFENDANT

IT IS ORDERED THAT YOU CONTACT THE PRE-SENTENCE INVESTIGATOR AFTER YOU LEAVE THE COUNTY COURTHOUSE TODAY AT THE OFFICES OF THE DEPARTMENT OF CORRECTION, LOCATED AT 2048 E. 17TH STREET, IDAHO FALLS, IDAHO.

IT IS FURTHER ORDERED THAT YOU FURNISH THE PRE-SENTENCE INVESTIGATOR WITH ANY INFORMATION NEEDED COMPLETE THIS INVESTIGATION.

IF YOU FAIL TO COMPLY WITH THIS ORDER A BENCH WARRANT WILL BE ISSUED FOR YOUR ARREST.

A pre-sentence investigation is ordered on the following defendant:

Full name:

06-14327 06-17236

Case No: 06-19594

DOB:

11/12/60

Phone: _____

SSN: 519-90-7569

Judge:

St Clair

In Jail: Yes ☒ No ()

Address:

1360 Juniper, Idaho Falls, ID

Prior Address (State):

NC

Charge(s):

06-14327-Escape; 06-17236 Ct. 1 - Issuing

Check Without Funds;

06-19594 Ct 1 - Grand Theft

Attorney:

Jeremy Stafford

It is hereby ordered that the pre-sentence investigation report be filed with the court and a copy served upon counsel on or before: 11/15/07. If the report cannot be filed on or before this date, the investigator must advise the court in writing at least seven (7) days prior to sentencing.

DATE

12/4/06

JUDGE

Donald F. H. C.

White: Defendant
Yellow: PSI
Pink: File

() Sex Offender Evaluation
() Psychological Evaluation
() Updated PSI only

*assigned to
Brenda Hammond*

Mr Stafford, Judge St. Clair, Prosecutor,

I am not happy with the outcome of my day in court.

I was under the understanding that my previous PSI would be used and I would be sentenced today. I don't know if anyone realizes but I've got almost 300 days incarcerated and now I have to wait until Jan 22 07 to be adjudicated.

I have a problem with pleading guilty to something I didn't do. I feel like I was forced to do that. The prosecution told me if I didn't then the enhancements would be filed and the Persistent Violator also. That is a Threat no matter how you slice it.

I want to retract my Guilty Pleas starting with CR-06-5769, CR-06-19594, CR 06-19236, CR 06 14327.

Also, I want to disqualify Jeremy Stafford as my legal representative for conflict reasons, I will continue Pro Se

24A Sincerely
Curtis Hurtless

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY

7TH JUDICIAL DISTRICT COURT
BONNEVILLE COUNTY, IDAHO

6 DEC -7 P4:59

STATE OF IDAHO,
Plaintiff.

vs.

Curtis Glenn Hartshorn
1360 Juniper
Idaho Falls, ID 83402
Defendant.

DOB: 11/13/1960
DL or SSN: 9969916 NC
519-90-7569

Case No.: CR-2006-0014327
CR-06-17236 & CR-06-19594
NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is set for:

Motion To Withdraw Guilty Plea(s): Monday, December 18, 2006 at 11:30 AM

Judge: Richard T. St. Clair

Courtroom:

Charge(s): Escape-by One Chrgd, convicted, probation For Felony I18-2505

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows:

JEROMY STAFFORD

Courthouse Box ☒ Mailed _____ Hand Delivered _____

Prosecutor:

Courthouse Box ☒ Mailed _____ Hand Delivered _____

Defendant:
% BCJ

Courthouse Box ☒ Mailed _____ Hand Delivered _____

Dated: Thursday, December 07, 2006

Ronald Longmore
Clerk Of The District Court

By: 
Deputy Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-06-14327
	)	CR-06-17236, CR-06-19594
vs.	)	and CR-06-5769
	)	MINUTE ENTRY
CURTIS GLENN HARTSHORN,)	
)	
Defendant.)	
<hr/>		

On December 18, 2006, this matter came on for a motion to withdraw guilty plea, sentencing and probation violation disposition before the Honorable Richard T. St. Clair, District Judge, sitting in open court at Idaho Falls, Idaho.

Mrs. Marlene Southwick, Deputy Court Clerk, was present.

Counsel waived reporting by Court Reporter. Hearing was digitally recorded.

Mr. Randy Neal appeared on behalf of the State.

Mr. Stafford appeared on behalf of the Defendant. The Defendant was in attendance.

Mr. Hartshorn agreed to withdraw his motion to withdraw guilty plea if the Court would go forward with sentencing using the PSI prepared for case CR-06-5769. After inquiry of Mr. Hartshorn, the Court agreed to go forward as requested.

Mr. Stafford advised that Mr. Hartshorn is willing to admit to violating probation in case CR-06-5769 and have disposition on that case today also.

The Court reviewed the history of the case and the conditions of the plea agreement. The Court inquired if the defendant wished to stand by the guilty plea previously entered to the charge of Escape in CR-06-5769, Insufficient Funds Checks in CR-06-14327, and Grand Theft in CR-06-19594, to which the defendant stated he/she did. The Court also found a probation violation in case CR-06-5769.

The Court noted a pre-sentence report has been filed and inquired if there are any areas needing clarification or correction.

There were no corrections to the PSI.

Mr. Neal addressed the Court in aggravation.

Mr. Stafford addressed the Court in mitigation.

The defendant presented a statement to the Court.

The Court inquired if there is any reason why judgment should not be imposed at this time, to which the parties stated there is none.

After a discussion between the Court and the defendant, the Court sentenced the defendant as follows:

In CR-06-14327 - Escape - the Court sentenced Mr. Hartshorn to 1 year determinate, 0 year(s) indeterminate. Sentence is to be served consecutive to sentence in CR-06-5769.

Defendant must pay \$50.00 to the Victims Rights Fund, restitution (tbd), \$500.00 fine, public defender costs of \$500.00, and court costs.

In CR-06-17236 - NSF - the Court sentenced Mr. Hartshorn to 3 years determinate, 0 year(s) indeterminate. Sentence is to be

served concurrent to sentence in CR-06-5769.

Defendant must pay \$50.00 to the Victims Rights Fund, restitution (tbd), \$500.00 fine, public defender costs of \$500.00, and court costs.

In CR-06-19594 - Grand Theft - the Court sentenced Mr. Hartshorn to 4 years determinate, 8 years indeterminate. Sentence is to be served concurrent to sentence in CR-06-5769 and CR-06-17236.

Defendant must pay \$50.00 to the Victims Rights Fund, restitution (tbd), \$500.00 fine, public defender costs of \$500.00, and court costs.

In case CR-06-5759 - the Court revoked probation and imposed the original sentence of 3 years determinate, 7 years indeterminate.

Mr. Hartshorn is to receive credit for time served.

Mr. Hartshorn was remanded to the custody of the Bonneville County Jail pending transport to the Department of Corrections.

Court was thus adjourned.


RICHARD T. ST. CLAIR
District Judge

c: Prosecutor
Jeromy Stafford
H:hartshorn.curtis.sme

pp

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

7TH JUDICIAL DISTRICT OF THE
BONNEVILLE COUNTY, IDAHO
6 DEC 19 49:57

STATE OF IDAHO,)
)
Plaintiff,) Case No. CR-06-14327
)
vs.) JUDGMENT OF CONVICTION
)
CURTIS GLENN HARTSHORN,)
a/k/a: See PSI)
D.O.B.: See PSI)
S.S.No.: See PSI)

The Prosecuting Attorney for Bonneville County, Idaho, together with the above-named defendant and appropriate counsel of record came into Court on the 18th day of December, 2006, for the pronouncement of sentence upon the defendant.

The defendant was fully informed by the Court of the nature of the charge as set forth in the Information of Escape, a felony, a violation of Idaho Code Section 18-2505, which was committed on or about August 9, 2006. The defendant was previously arraigned upon the charge and entered a plea of not guilty. The defendant entered a plea of guilty pursuant to conditions of a plea agreement.

The defendant was provided the opportunity to be heard and present any matters deemed necessary to be considered by the Court.

The defendant was asked if there was any legal cause why sentence should not be pronounced and no sufficient cause was given. Based upon the finding of guilt, the court pronounced sentence as follows:

IT IS ORDERED, ADJUDGED AND DECREED, that the defendant is guilty of the crime as charged in the Information and in execution thereof, **IT WAS FURTHER ORDERED,** that the defendant be sentenced to the custody of the Idaho State Department of Corrections for a term of 1 years, subject to 113 day(s) credit to be given for time served prior to sentencing plus retained jurisdiction if applicable, which credit shall be applied at the end of any mandatory minimum sentence, or in the absence thereof at the conclusion of any indeterminate sentence.

JUDGMENT OF CONVICTION

-1-

Of the total sentence heretofore pronounced, the defendant shall serve a confinement for a minimum period of 1 year(s).

The minimum period of confinement shall be followed by an indeterminate period of confinement of 0 years.

Sentence imposed in case CR-06-14327 is to be served consecutive to sentence imposed in case CR-05-5769.

That the defendant shall be sentenced to the custody of the Sheriff of Bonneville County for incarceration in the Bonneville County Jail pending transport. The defendant shall then be delivered to the custody of the Director of the State Department of Corrections.


IT IS HEREBY ORDERED that any outstanding bond/bail is hereby exonerated.

IT IS FURTHER ORDERED that Defendant pay each of the sums indicated, in the manner and on such terms as are more particularly specified below:

- a. COURT COSTS: Court costs of \$17.50 per felony count will be paid to the clerk of the court. (I.C. 31-3201A(b)).
- b. VICTIMS' COMPENSATION: \$50.00 per felony count will be paid to the clerk of the court for deposit into the crime victims' compensation account (I.C. § 72-1025).
- c. VICTIM RESTITUTION: Restitution to the victim(s) of the crime(s), which shall be payable through the district court in the following amounts (I.C. § 19-5302): tbd
Said restitution is due and payable on:
These amounts will include interest at the annual rate of 10%, which interest shall accrue from and be calculated from the date of this order.
- d. IDAHO STATEWIDE TRIAL COURT AUTOMATED RECORDS SYSTEM TECHNOLOGY FEE: A fee of \$10.00 per felony count will be paid to the clerk for deposit into the ISTARs technology fund. (I.C. § 31-3201(5)).
- e. P.O.S.T. FEE: A fee of \$10.00 per felony count will be paid to the clerk of the court for deposit into the peace officers' standards and training account.
- f. PUBLIC DEFENDER COSTS: A per case fee of \$500.00 (per count) will be paid to the clerk of the court to reimburse the county for the expense incurred in providing legal representation and other necessary services and facilities of representation by the public defender's office.
- g. CRIMINAL FINE: A fine of \$500.00 per felony count is

hereby imposed, which sum shall be paid to the clerk of the court for distribution.
h. COUNTY ADMINISTRATIVE SURCHARGE FEE: A per case fee of \$10.00 will be paid to the clerk of the court for deposit in the county justice fund. (I.C. § 31-3201(3), 31-4602).

DATED this 19 day of December, 2006.


RICHARD T. ST. CLAIR
DISTRICT JUDGE

STATE OF IDAHO)
County of Bonneville) **SS**
I HEREBY CERTIFY that above and foregoing
is a full and correct copy of the original
thereof, on file in my office.
Dated 12/19 20 06
RONALD LONGMORE
Clerk of the District Court
By msouthwick
Deputy Clerk

CERTIFICATE OF SERVICE

I hereby certify that on the 19 day of December, 2006, I caused a true and correct copy of the following JUDGMENT OF CONVICTION by mailing a copy of the same, first class, postage pre-paid, to the following:



Court Clerk

Prosecuting Attorney
605 N. Capital
Idaho Falls, ID 83405

(x) Box

Jeromy Stafford
Defense Attorney

(x) Box

Probation and Parole
2048 E. 17th St.
Idaho Falls, ID 83404

(x) Box

Department of Correction
Central Records
1299 North Orchard, Ste. 110
Boise, ID 83706

(x) Mail w/copy of PSI
(x) FAX - 327-7445

Bonneville County Jail
605 N. Capital
Idaho Falls, ID 83402

(x) Box

DANE WATKINS JR.
BONNEVILLE COUNTY PROSECUTING ATTORNEY

Randolph B. Neal
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
(208) 529-1350 Ext. 1348

Attorney For Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,)	
	)	Case No. CR-06-14327
Plaintiff,	)	Case No. CR-06-17236
)	
vs.)	
)	
CURTIS GLENN HARTSHORN	)	OPPOSITION TO RULE 35 MOTION
)	
Defendant.)	
)	

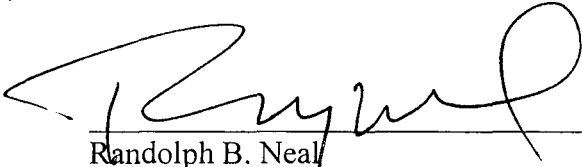
The State opposes Defendant's Rule 35 Motion for reduction of sentence. A motion for reduction of sentence essentially is a plea for leniency. It is addressed to the discretion of the trial court and may be granted if the original sentence was unduly severe. State v. Seiber, 117 Idaho 637, 791 P.2d 18 (Ct.App. 1990); State v. Lopez, 106 Idaho 447, 680 P.2d 869 (Ct.App.1984)

Defendant has the burden of showing that the original sentence was unduly severe. State v. Wright, 114 Idaho 451, 757 P.2d 714 (Ct.App. 1988); State v. Martinez, 113 Idaho 535, 746 P.2d 994 (Ct.App.1987). Where a Defendant presents no recognizably new information from what was available at sentencing, denial of his motion is proper. State v. Howard, 112 Idaho 132, 739 P.2d 431 (Ct.App. 1987). Moreover, the factors used to determine undue severity are the same as those employed in the original sentence; however, if the sentence was not unduly severe when pronounced, the Defendant must demonstrate with new or additional evidence that it is unduly severe. State v.

Caldwell, Idaho, 805 P.2d 487 (Ct.App. 1991); State v. Forde, 113 Idaho 21, 740 P.2d 63 (Ct.App. 1987).

Defendant's motion presents no new or additional evidence showing his sentence is unduly severe. Furthermore, as shown at sentencing, Defendant's sentence does not represent an abuse of the sentencing court's discretion. Accordingly, Defendant's motion should be denied.

Dated this 20th day of January 2007.



Randolph B. Neal
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

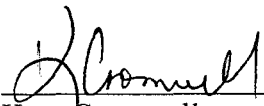
I HEREBY CERTIFY that on January 22, 2007, I served a true and correct copy of the following-described document on the party listed below, by placing the same in the courthouse mailbox.

DOCUMENT SERVED:

OPPOSITION TO RULE 35 MOTION

PARTIES SERVED:

Jeromy Stafford
Public Defender's Office
Courthouse Box
Idaho Falls, Idaho 83402



Kara Cromwell

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-06-5769
	)	CR-06-14327, CR-06-17236
-vs-	)	and CR-06-19594
	)	MINUTE ENTRY
CURTIS GLENN HARTSHORN,)	
)	
Defendant.)	
)	

On January 22, 2007, Defendant's Rule 35 motion came on for hearing before the Honorable Richard T. St. Clair, District Judge, sitting in open court at Idaho Falls, Idaho.

Ms. Marlene Southwick, Deputy Court Clerk, was present. Counsel waived reporting by Court Reporter. Hearing was digitally recorded.

Mr. Randy Neal appeared on behalf of the State.

Mr. Jeromy Stafford appeared on behalf of the Defendant. The Defendant was in attendance.

Mr. Stafford presented Defendant's Rule 35 motion. Mr. Hartshorn presented additional argument to the Court. Mr. Neal argued in opposition to the motion. Mr. Stafford presented rebuttal argument.

The Court denied Defendant's Rule 35 motion.

Court was thus adjourned.

On January 22, 2007, Court reconvened to hear State's motion

for restitution.

Mr. Randy Neal appeared on behalf of the State.

Mr. Jeromy Stafford appeared on behalf of the Defendant. The Defendant was in attendance.

Ms. Cheryl Beaverland was called to the stand and placed under oath. State's Exhibit 1 - photocopy of check for \$335.80 - was marked and admitted by stipulation. State's Exhibit 2 was admitted by stipulation of the parties. Mr. Neal inquired of the witness. The witness was excused.

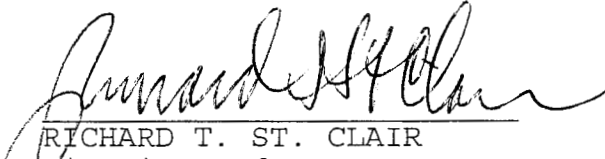
Ms. Annette Waters was called to the stand and placed under oath. Mr. Neal inquired of Ms. Waters. The witness was excused.

State rested.

Mr. Neal presented State's motion for restitution. Mr. Stafford argued in opposition to the motion for restitution.

The Court will grant restitution in the amount of \$374.80. The Exhibit documents were returned to the victim's by stipulation of the parties.

Court was adjourned.


RICHARD T. ST. CLAIR
District Judge

c: Prosecutor
Jeromy Stafford
H:hartshorn.curtis.35

Curtis G. Hartshorn
605 N. Capital
Idaho Falls ID 83404
Defendant/Appellant
Pro Se

7TH JUDICIAL DISTRICT COURT
BONNEVILLE COUNTY, IDAHO
7 JAN 25 110:00

IN THE District Court of The SEVENTH Judicial District
OF THE STATE OF IDAHO IN For The County of Bonneville

STATE OF IDAHO,

Plaintiff/Respondent

vs.

Curtis G. Hartshorn,

Defendant/Appellant

CASE NO CR-06-5769, 06-14327
06-17236, 06-19594

NOTICE OF APPEAL

TO: THE ABOVE NAMED RESPONDENTS, STATE OF IDAHO AND ITS ATTORNEY
LAWRENCE G. WASDEN ATTORNEY GENERAL FOR THE STATE OF IDAHO
BONNEVILLE COUNTY PROSECUTING ATTORNEY AND THE CLERK OF THE
ABOVE ENTITLED COURT

NOTICES HEREBY GIVEN:

1. The above named appellant, Curtis G. Hartshorn, appeals
against The above named respondents, to The Idaho
Supreme Court from The decision from The order
Filed, December 19, 2006, entered by P. St. Clair,
Seventh Judicial District Judge.

NOTICE OF APPEAL - PAGE -1

2. CURTIS G. HORTSHORN, has the right to appeal to the Idaho Supreme Court, the judgments and orders described in Paragraph 1 above under and pursuant to Idaho Appellate Rules
3. The Appellant requests that the preparation of the standard reporter's transcript and clerk's records as defined in Rule 25, Idaho Appellate Rules. Addition of documents requested are as follows: Transcript of Sentencing Proceedings
4. I certify:
 - (a) That a copy of this notice has been served on the reporter.
 - (b) That the appellant is exempt from paying the estimated transcript fee because he was previously determined to be indigent and has been represented at all stages of the proceedings by the Bonneville County Public Defenders Office.

NOTICE OF APPEAL - PAGE 2

- (c) That the appellant is exempt From paying The estimated fee For The preparation Of The record For the same reason Listed in 4(B).
- (d) That the appellant is exempt From paying The appellant Filing Fee For The same reason listed in 4(B).
- (e) That Service has been made upon all parties required to be served pursuant To Rule 20, and The attorney general Of Idaho pursuant to section 67-1401 (1), Idaho Code.
- (5) The issues To be presented are as follows:
 - (A) Ineffective assistance of Counsel
 - (B) Did The Court abuse its discretion sentencing defendant to a total of Four (4) years Fixed and Eight (8) years indeterminate
 - (C) Did The Court err in accepting Defendants Guilty / Alford Plea(s)
 - (D) Did The Court render an illegal Sentence in CASE CR-06-17536 Three

(3) years determinate and 0 years indeterminate

(E) In case NO CR-06-5769, Did prosecuting attorney show prejudice when charge was dismissed and refiled without 'no' new evidence

(F) In case NO CR-06-5769 was there probable cause to issue arrest warrant.

(G) Did arresting officials, Idaho Falls City Police Department have a "NO Knock warrant"

(H) In case NO CR-06-19594, was Defendant charged under wrong statute and given an illegal sentence.


(I) Did The presiding Judge err in not disqualifying himself for "Conflict of Interest". Judge R. St. Clair is also The Judge in an AbBeys and 1983 civil Complaint against The City of Idaho Falls and The County of Bonneville all arising from case Number CR-06-5769. Alleging Professional Misconduct,

NOTICE OF APPEAL PG 4

malpractice concerning The Public
Defender's and Prosecuting Attorney's
Office. Case Number CV-06-2483

(2) Did the Court err in not considering
Mental health Court.

DATED, this 14 day of January 2007


Curtis G. Harsh
Defendant / Appellant

NOTICE OF APPEAL Pg-5

Certificate of Mailing

I Herabry certify that on this 18 day of January, 2004 served a true and correct copy of The above document on the following: Via USA Postage pre-paid Mail.

Bonneville County Prosecutor
605 N Capital
Idaho Falls, Id 83402

Lawrence G. Wasden
Attorney General - Idaho
State House, Room 210
P.O. Box 83720
Boise, Idaho 83720-0010

Stephen W. Kenyon
Clerk of the Court
P.O. Box 83720
Boise, Idaho 83720-0010

State Appellate Public Defender
Chief Appellate Unit
3380 Americana Terrace Suite 360
Boise, Id 83707

Curtis G Hartshorn
605 N. Capital
Idaho Falls, Id
Defendant Pro 8.3402

7TH JUDICIAL DISTRICT COURT
BONNEVILLE COUNTY, IDAHO

7 JAN 25 A11:47

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO

vs PLAINTIFF/Respondent

CURTIS G. HARTSHORN

Defendant/APPELLANT

CASE NO CR-06-5769, 06-14327
06-17236, 06-19594

MOTION TO APPOINT STATE
APPELLANT DIVISION

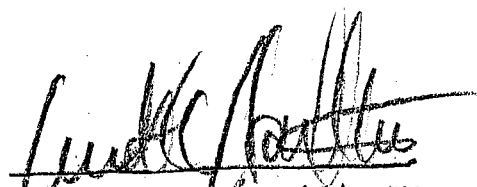
COMES NOW, Curtis G. Hartshorn, the APPELLANT in the
above entitled matter, Moves this honorable Court
For an order as follows:

The Defendant has Filed a NOTICE OF APPEAL For the
Court's review of the Court orders Filed on
December 19, 2006, entered by The honorable
R. St Clair, seventh Judicial district Judge.

The defendant respectfully requests that
The court enter an Order, appointing the state
Motion To Appoint State
APPELLANT DIVISION pg-1

appeallant division to assist the defendant with his appeal in this matter, and that further, said appointment shall be relative to the appeal proceedings only.


DATED This 18 day of January, 2007


Curtis G. Hertsborn

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on 18 day of ^{January} 2007, I served a true and correct copy of this Motion to Appoint STATE APPELLANT DIVISION upon the Bonneville County Prosecuting Attorney, by depositing a copy of the same in the Prosecuting Attorneys Courthouse mail box, Bonneville County Courthouse, Idaho Falls, ID, and served the following by depositing a copy of the same in the United States Mail, postage prepaid and addressed to Lawrence G. Wasden, Attorney General - State of Idaho.

P.O. Box 83720, Boise IDAHO, 83720-0010:
Stephen W. Kenyon, Clerk of The Court,
P.O. Box 83720, Boise Idaho 83720: State
Appellant Public Defenders Office,
Chief Appellant Unit, 3380 Americana
Terrace, Suite 360, Boise, Idaho, 83707


Curtis G. Hartshorn

Motion TO APPOINT STATE
APPELLANT DIVISION PS-3

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)	
)	
Plaintiff/Respondent,	)	CLERK'S CERTIFICATE
	)	OF APPEAL
vs.)	
	)	Case No. CR-2006-14327
CURTIS GLENN HARTSHORN,)	
	)	Docket No.
Defendant/Appellant.)	
<hr/>		

Appeal from: Seventh Judicial District, Bonneville County

Honorable Richard T. St. Clair, District Judge, presiding.

Case number from Court: CR-2006-14327

Order or Judgment appealed from: Judgment and Commitment on Conviction of a Probation Violation,
entered December 19, 2006.

Attorney for Appellant: State Appellate Public Defender's Office
(To be appointed by the District Court)

Attorney for Respondent: Attorney General's Office

Appealed by: Defendant

Appealed against: Plaintiff

Notice of Appeal Filed: January 25, 2007

Appellate Fee Paid: No

Was District Court Reporter's Transcript requested? Yes

If so, name of reporter: Tom McMinn

Dated: February 6, 2007

RONALD LONGMORE
Clerk of the District Court

By: Cheryl Hagerty
Deputy Clerk

THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

7TH JUDICIAL DISTRICT COURT
 BONNEVILLE COUNTY, IDAHO

7 FEB -8 48:25

STATE OF IDAHO,	)	Case No.	CR-06-5769
	)		CR-06-14327
Plaintiff,	)		CR-06-17236
	)		CR-06-19594
vs.)		
)		
CURTIS G. HARTSHORN,	)	ORDER APPOINTING STATE	
	)	APPELLATE PUBLIC DEFENDER	
Defendant.	)	AND WITHDRAWING COUNTY PUBLIC	
	)	DEFENDER FOR APPEAL	

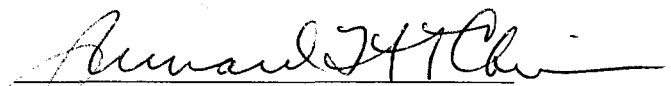
The above named defendant appeared before this Court before Judge Richard T. St. Clair on or about September 18, 2006. On Case No. CR-06-19594 for the charge of GRAND THEFT the Defendant was sentenced to the State Board of Corrections to a term of 4 years determinate, 8 years indeterminate with credit for time served. This sentence is to be served concurrent to the sentence in CR-06-5769 and CR-06-17236. On Case No. CR-06-17236 for the charge of NSF the Defendant was sentenced to the State Board of Corrections to a term of 3 years determinate, 0 years indeterminate with credit for time served. This sentence is to be served concurrent to the sentence in CR-06-5769. On Case No. CR-06-14327 for the charge of ESCAPE the Defendant was sentenced to the State Board of Corrections to a term of 1 year determinate, 0 years indeterminate with credit for time served. This sentence is to be served consecutive to the sentence in CR-06-5769. On Case No. CR-06-5769 for the charge of PROBATION VIOLATION the Court revoked probation and imposed the original sentence of 3 years determinate and 7 years indeterminate with credit for time served. The defendant has requested the aid of counsel in addressing the appeal filed by the State of Idaho in this case and possibly pursuing a cross-appeal.

The Court being satisfied that said defendant is a needy person entitled to the services of the State Appellate Public Defender for purposes of appeal pursuant to Idaho Code §§19-852 and 19-854 and the services of the State Appellate Public Defender are available pursuant to Idaho Code §19-863A;

IT IS HEREBY ORDERED, in accordance with Idaho Code §19-870, that the State Appellate Public Defender is appointed to represent the Defendant on appeal.

IT IS FURTHER ORDERED that the appointment of the Bonneville County Public Defender is hereby withdrawn for purposes of appeal. The appointment of the Bonneville County Public Defender shall continue for all purposes other than appeal unless such appointment has been previously terminated by court order.

DATED this 8 day of February, 2007.


Richard T. St. Clair, District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8 day of February, 2007, I served a true and correct copy of the attached ORDER APPOINTING STATE APPELLATE PUBLIC DEFENDER AND WITHDRAWING COUNTY PUBLIC DEFENDER FOR APPEAL by placing a copy in the United States mail, with the correct postage thereon, or by causing the same to be hand delivered to the following parties:

MOLLY J. HUSKEY
State Appellate Public Defender
3647 Lake Harbor Lane
Boise, Idaho 83703

JEROMY W. STAFFORD
Bonneville County Public Defender
Bonneville County Courthouse Box
Idaho Falls, Idaho 83402

DAN BEVILACQUA
Bonneville County Prosecutor
Courthouse Box
Idaho Falls, Idaho 83402

JACK FULLER
Bonneville County Court Reporter
Courthouse Box
Idaho Falls, Idaho 83402

LAWRENCE WASDEN
State of Idaho Attorney General
Appellate Division
PO Box 83720
Boise, ID 83720-1000

SUPREME COURT/COURT OF APPEALS
PO Box 83720
Boise, ID 83720-0101

Curtis Hartshorn
c/o Bonneville County Jail
605 N. Capital Avenue
Idaho Falls, ID 83402

Clerk of the Court



Deputy Clerk

MOLLY J. HUSKEY
State Appellate Public Defender
State of Idaho
I.S.B. # 4843

BONNEVILLE COUNTY
IDAHO

2007 MAR -9 AM 9:00

SARA B. THOMAS
Chief, Appellate Unit
I.S.B. # 5867
3647 Lake Harbor Lane
Boise, Idaho 83703
(208) 334-2712

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY

STATE OF IDAHO,

Plaintiff-Respondent,

v.

CURTIS GLENN HARTSHORN,

Defendant-Appellant.

CASE NO. CR-2006-14327

S.C. DOCKET NO. _____

AMENDED
NOTICE OF APPEAL

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND
THE PARTY'S ATTORNEYS, DANE WATKINS, JR., BONNEVILLE COUNTY
PROSECUTOR, 605 N. CAPITAL AVE., IDAHO FALLS, ID 83402, AND THE
CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant appeals against the above-named respondent to the Idaho Supreme Court from the Judgment of Conviction entered in the above-entitled action on the 18th day of December, 2006, the Honorable Richard T. St. Clair, presiding.
2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Idaho Appellate Rule (I.A.R.) 11(c)(1-10).

3. A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal, are:

- (a) Did the district court err in revoking probation and ordering into execution the original sentence?
- (b) Did the district court err in accepting appellant's *Alford* Plea?
- (c) Did the arresting officials, Idaho Falls City Police Department, have a "no knock warrant?"
- (d) Did the district court err by not disqualifying itself due to a conflict of interest?
- (e) Did the district court err by not considering the defendant for mental health court?
- (f) Did the district court err in denying appellant's Idaho Criminal Rule 35 Motion?

4. There is a portion of the record that is sealed. That portion of the record that is sealed is the Presentence Investigation Report (PSI).

5. The appellant requests the preparation of the entire reporter's standard transcript as defined in I.A.R. 25(a). The appellant also requests the preparation of the following portions of the reporter's transcript:

- (a) Entry of Plea Hearing held on December 4, 2006; and
- (b) Sentencing Hearing held on December 18, 2006.

6. The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2). The appellant requests the following documents to be included in the clerk's record, in addition to those automatically included under I.A.R. 28(b)(2):

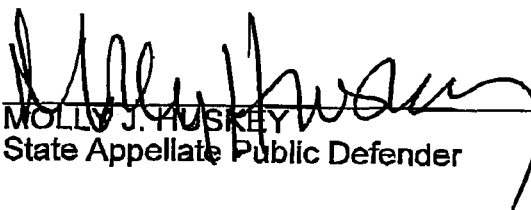
- (a) Any exhibits, including but not limited to letters or victim impact statements, addendums to the PSI or other items offered at sentencing hearing or the Rule 35 motion hearing; and
- (b) Letter from Defendant Requesting Withdrawal of Guilty Pleas filed December 7, 2006.

7. I certify:

- (a) That a copy of this Amended Notice of Appeal has been served on the reporter;
- (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e));
- (c) That there is no appellate filing fee since this is an appeal in a criminal case (I.C. §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));
- (d) That arrangements have been made with Bonneville County who will be responsible for paying for the reporter's transcript, as the client is indigent, Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e);

(e) That service has been made upon all parties required to be served pursuant to I.A.R 20.

DATED this 8th day of March, 2007.


MOLLY J. HUSKEY
State Appellate Public Defender

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have this 8th day of March, 2007, caused a true and correct copy of the attached AMENDED NOTICE OF APPEAL to be placed in the United States mail, postage prepaid, addressed to:

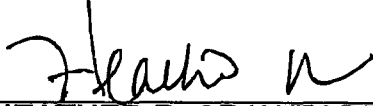
CURTIS GLENN HARTSHORN
INMATE # 18178
BONNEVILLE COUNTY JAIL
605 N CAPITAL
IDAHO FALLS ID 83402

TOM MCMINN
COURT REPORTER
BONNEVILLE COUNTY COURTHOUSE BOX
IDAHO FALLS ID 83402

DANE WATKINS JR
BONNEVILLE COUNTY PROSECUTORS OFFICE
605 N CAPITAL AVE
IDAHO FALLS ID 83402

CLERK OF THE COURT
IDAHO STATE SUPREME COURT
PO BOX 83720
BOISE ID 83720 0101
HAND DELIVER

KENNETH K JORGENSEN
DEPUTY ATTORNEY GENERAL
CRIMINAL DIVISION
PO BOX 83720
BOISE ID 83720 0010
Hand delivered to Attorney General's mailbox at Supreme Court


HEATHER R. CRAWFORD
Administrative Assistant

MJH/TMF/hrc

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)
)
) Plaintiff/Respondent,)
)
 vs.)
)
) CURTIS GLENN HARTSHORN,)
)
) Defendant/Appellant.)
)

**AMENDED CLERK'S
CERTIFICATE OF APPEAL**

Case No. CR-2006-14327

Docket No. 33915

Appeal from: Seventh Judicial District, Bonneville County

Honorable Richard T. St. Clair, District Judge, presiding.

Case number from Court: CR-2006-14327

Order or Judgment appealed from: Judgment and Commitment on Conviction of a Probation Violation,
entered December 19, 2006.

Attorney for Appellant: State Appellate Public Defender's Office

Attorney for Respondent: Attorney General's Office

Appealed by: Defendant

Appealed against: Plaintiff

Amended Notice of Appeal Filed: March 9, 2007

Appellate Fee Paid: No

Was District Court Reporter's Transcript requested? Yes

If so, name of reporter: Tom McMinn

Dated: March 14, 2007

RONALD LONGMORE
Clerk of the District Court

By: Cheryl Hagerty
Deputy Clerk

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)
)
) Plaintiff/Respondent,)
)
 vs.)
)
 CURTIS GLENN HARTSHORN,)
)
) Defendant/Appellant.)
 _____)

CLERK'S CERTIFICATE

Case No. CR-2006-14327

Docket No. 33915

STATE OF IDAHO)
)
 County of Bonneville)

I, Ronald Longmore, Clerk of the District Court of the Seventh Judicial District, of the State of Idaho, in and for the County of Bonneville, do hereby certify that the above and foregoing Record in the above-entitled cause was compiled and bound under my direction and is a true, correct and complete Record of the pleadings and documents as are automatically required under Rule 28 of the Idaho Appellate Rules.

I do further certify that no exhibits were either offered or admitted in the above-entitled cause, that the Clerk's Record will be duly lodged with the Clerk of the Supreme Court, as required by Rule 31 of the Idaho Appellate Rules.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the District Court at Idaho Falls, Idaho, this 15th day of February, 2007.

RONALD LONGMORE
Clerk of the District Court

By: Cheryl Lagerty
Deputy Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)
)
 Plaintiff/Respondent,)
)
 vs.)
)
 CURTIS GLENN HARTSHORN,)
)
 Defendant/Appellant.)
 _____)

CERTIFICATE OF SERVICE

Case No. CR-2006-14327

Docket No. 33915

I HEREBY CERTIFY that on the 11th day of May, 2007, I served a copy of the Reporter's Transcript (if requested) and the Clerk's Record in the Appeal to the Supreme Court in the above entitled cause upon the following attorneys:

State Appellate Public Defender
3647 Lake Harbor Lane
Boise, ID 83703

Attorney General's Office
Statehouse Mail, Room 210
700 West Jefferson
Boise, ID 83720

by depositing a copy of each thereof in the United States mail, postage prepaid, in an envelope addressed to said attorneys at the foregoing address, which is the last address of said attorneys known to me.

RONALD LONGMORE
Clerk of the District Court

By: Cheryl MacIntyre
Deputy Clerk